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9 Attorneys for Defendant SUBHASH JAY

10
11 UNITED STATES OF AMERICA

12 Plaintiff,
13 v.

14 SUBHASH JAY

15
16 Defendant.

17 Case No. 3:17-CR-00176-CRB-1

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**DECLARATION OF BENJAMIN B. AU IN
SUPPORT OF DEFENDANT SUBHASH
JAY'S MOTION FOR A REDUCTION IN
SENTENCE PURSUANT TO 18 U.S.C. §
3582(C)(1)(A)(I) (COMPASSIONATE
RELEASE)**

Date: July 15, 2020
Time: 1:30 p.m.
Ctrm: 6–17th Floor
Judge: Honorable Charles R. Breyer

1 I, Benjamin B. Au, hereby state and declare as follows:

2 1. I am an attorney at law licensed to practice in the state of California. I am an attorney at
3 Durie Tangri LLP. My colleague Galia Amram has been appointed as Criminal Justice Act counsel for
4 Defendant Subhash Jay (“Defendant” or “Mr. Jay”) for the purpose of bringing this compassionate
5 release motion. I make this Declaration from personal knowledge, and if called to testify, I could and
6 would testify competently thereto.

7 2. I have been advised of the following information regarding Mr. Jay, which I believe to be
8 true to the best of my knowledge and is consistent with the information contained in his pre-sentence
9 report.

10 a. Mr. Jay pled guilty on March 23, 2018, to one count of filing false tax returns
11 under 26 U.S.C. § 7206 and one count of operating an unlicensed money transmitting business under 18
12 U.S.C. § 1960.

13 b. Mr. Jay is a citizen of the United Kingdom, has lived in the United States since
14 1990, and is a lawful permanent resident.

15 3. Mr. Jay has informed me that he has no record of receiving a detainer from U.S.
16 Immigration and Customs Enforcement, and we cannot confirm the existence of such a detainer.

17 4. Attached hereto as **Exhibit A** is a true and correct copy of the docket in *United States v.*
18 *Jay*, Case No. 3:17-cr-00176-CRB-1, as of May 30, 2020.

19 5. Attached hereto as **Exhibit B** is a true and correct copy of ECF No. 40, Amended
20 Judgment, filed on September 18, 2018 in *United States v. Jay*, Case No. 3:17-cr-00176-CRB-1.

21 6. Attached hereto as **Exhibit C** is a true and correct copy of Bureau of Prisons Inmate
22 Registry entry for Subhash Jay.

23 7. Attached hereto as **Exhibit D** is a true and correct copy of the May 6, 2020 letter from me
24 to Warden Friend re: Mr. Jay’s petition for compassionate release and immediate transfer to home
25 confinement.

26 8. Attached hereto as **Exhibit E** is a true and correct copy of the May 11, 2020 letter from
27 me to Warden Friend re: Mr. Jay’s follow-up to petition for compassionate release and immediate
28 transfer to home confinement.

9. Attached hereto as **Exhibit F** is a true and correct copy of the May 11, 2020 letter from Warden Friend re: Mr. Jay's compassionate release and reduction in sentence review.

10. Attached hereto as **Exhibit G** is a true and correct copy of the Federal Bureau of Prisons COVID-19 website, available at <https://www.bop.gov/coronavirus/>, last visited on June 4, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is to the best of my knowledge and belief true and correct. Executed on June 5, 2020 in Los Angeles, California.

/s/ Benjamin B. Au

BENJAMIN B. AU

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ *Benjamin B. Au*

BENJAMIN B. AU